

MINUTES OF THE
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS
MEETING HELD ON MARCH 5, 2007
(Approved March 19, 2007)

The Board of Supervisors held a regular monthly meeting on Monday, March 5, 2007. Present for the meeting were supervisors W. Atlee Rinehart, Robert F. Preston, John Doering, Jr., Timothy Roland and Rosemarie C. Miller. Also in attendance was John A. Koury, Jr., Township Solicitor.

Mr. Rinehart called the meeting to order at 7:05 p.m. and the pledge was recited.

1. MINUTES

Minutes of the February 24, 2007 Special Meeting

Mr. Preston moved to approve the minutes of the February 24, 2007 special meeting as amended. Mr. Roland seconded the motion. Mrs. Miller abstained due to her absence at the February 24, 2007 special meeting. The motion carried with a 4-0-1 vote. Amendment is in the last paragraph under subheading, *Phase II Sewer Project*, change 'consult' to 'consultant'.

Minutes of the February 26, 2007 Workshop Meeting

Mr. Roland moved to approve the minutes of the February 26, 2007 workshop meeting as amended. Mr. Preston seconded the motion. The motion carried with a 5-0-0 vote. Amendments are under subheading, *Additional Items Brought Before the Board*, the first paragraph to read 'Mr. Preston requested that the year end totals for each of the individual township funds for 2004, 2005 and 2006 be posted as separate documents on the website', under the same heading in the sixth paragraph in the first sentence change 'solicitor' to solicit'.

2. PUBLIC COMMENT

Mr. Ray Kolb of 79 Brownstone inquired about the status of the township employee wage benchmarking previously slated to be completed by the end of January. Mrs. Miller stated that she had contacted Barbacane, Thornton & Company and they cannot do the benchmarking until after April 15 due to the busy tax season. Mrs. Miller also noted she was referred to Pat Morrison, former Secretary to another township, and a proposal will be submitted for review by the Board. Mr. Doering suggests the benchmarking be discussed in executive session.

3. REPORTS

Reports from Various Departments and Committees

Mr. Preston moved to approve the reports from the various departments and committees including the Public Works Report through the West End Ambulance report. Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

4. SUBDIVISION AND LAND DEVELOPMENT

Project: Stone/Manley Tract

Applicant: Tim and Wendy Manley

Mrs. Wendy Manley was present.

Mr. Doering moved to grant waiver from Section 304 of the Subdivision and Land Development Ordinance to allow the application to proceed concurrently as a Preliminary/Final Plan. Mr. Preston seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Preston moved to grant waiver from Section 301.3.B of the Subdivision and Land Development Ordinance to allow the application to be classified as a Minor Subdivision, as opposed to a Major Subdivision. Mr. Roland seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Preston moved to grant waiver from Sections 303.3.A(10) and 303.3.B(2) of the Subdivision and Land Development Ordinance to allow wetlands to be delineated on the Preliminary and Final Plans. Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Preston moved to grant waiver from Section 303.A(11) of the Subdivision and Land Development Ordinance to allow the schematic layout required as part of the 4-step design process to not be prepared. Mrs. Miller seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Preston moved grant waiver from Section 303.3.A(13) to allow open space associated with the subject development to be addressed as part of the Enclave at Ellis Woods plan application. Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Preston moved to approve Resolution No. 2007-10 granting sketch plan approval for the Stone/Manley Tract with the condition that the 40-ft strip of land gets added to the Enclave at Ellis Woods and all the Subdivision and Land Development requirements that are subject to be waived on the Stone/Manley Tract preliminary/final plan get addressed on the Enclave at Ellis Woods plan. Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

Mrs. Manley handed out documentation regarding the sanitary sewer easement for the Enclave at Ellis Woods project. The Township Solicitor suggested that the applicant provide an agreement amiable to both The Nolen Group's and the Manley's counsel and then submit to the Board.

Project: Wineberry Estates Applicant: Gambone Development Group
Mr. Glen Kelczewski of Conver and Smith Engineering, Inc. and Mr. Stephen Kalis, counsel for the applicant, were present.

Waivers for Wineberry Estates were addressed.

Mr. Preston moved to recommend waiver from Section 306.3.D(2) of the Subdivision and Land Development Ordinance to allow a Utilities Impact Study to not be prepared. Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Preston moved to recommend waiver from Section 306.3.D(3) of the Subdivision and Land Development Ordinance to allow a Financial Impact Study to not be prepared. Mr. Roland seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Preston moved to recommend waiver from section 306.3.D(4) of the Subdivision and Land Development Ordinance to allow a water balance to be demonstrated without addressing every requirement under Subdivision and Land Development Ordinance §306.3.D(4) contingent upon the applicant demonstrating that there is a water balance to the satisfaction of the Township Engineer and a single three day draw down test at a rate of 10 gpm per developed home is to be performed. Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Doering moved to recommend waiver from Section 306.3.D(6) of the Subdivision and Land Development Ordinance to allow an Environmental Impact Study to not be prepared. Mr. Preston seconded the motion. The motion carried with a 5-0-0 vote.

Mrs. Miller moved to recommend waiver from Section 403.1.D of the Subdivision and Land Development Ordinance to allow Lot 4 to have a 0.92 lot depth/width ratio, Lot 7 to have a 0.65 lot depth/width ratio, Lot 8 to have a 0.71 lot depth/width ratio, Lot 9 to have a 0.76 lot depth/width ratio, Lot 11 to have a 3.35 lot depth/width ratio, and Lot 12 to have a 0.92 lot depth/width ratio. Mr. Preston seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Preston moved to recommend waiver from Section 416.1 of the Subdivision and Land Development Ordinance to allow curbs to not be installed on the southeast side of Maack along the frontages of Lots 10, 11 and 12 with the assurance the developer will slow down the runoff from Wineberry Estates north side of Maack Road to the south side of Wineberry Estates. Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Doering moved to recommend waiver from Section 418.2 of the Subdivision and Land Development Ordinance to allow sidewalk to not be installed on the southeast side of Maack Road along the frontages of Lots 10, 11 and 12. Mr. Roland seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Preston moved to recommend waiver from Section 418.5 of the Subdivision and Land Development Ordinance to allow a 2.33' separation instead of 3' on the northwest side of Maack Road along the frontages of Lots 1, 2 and 9. Mrs. Miller seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Preston moved to recommend waiver from Sections 426.3(4) and 426.4(E) of the Subdivision and Land Development Ordinance to allow a walking trail to not be installed and/or constructed within the proposed walking trail/open space easement areas on Lot Nos. 11 and 12, contingent upon Note No. 20 on Sheet 3 being modified to read as follows for full consistency with previous Board discussion: "Signs shall be installed on Lots 11 and 12 at the beginning of construction to identify the existence and location of the Walking Trail/Open Space Easement on said lots and to require marking of the trail on the north side of the trail with the existing stone from the retaining wall and bring extra stone if necessary and mark trail on the plan.". Mr. Doering seconded the motion. Mr. Roland voted no. The

motion carried with a 4-1-0 vote. There was a brief discussion regarding deed restrictions being placed on the Lots on which the trail impacts.

Mr. Doering moved to recommend waiver from Section 121.5.B(8) of the Subdivision and Land Development Ordinance to allow a modified Type 'M' inlet top for inlet B4 to include a weir, provided that the weir also include a trash rack. Mr. Roland seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Doering moved to recommend waiver from Section 134.2.D(6) of the Subdivision and Land Development Ordinance to allow finished grade on the Post Construction Stormwater Management Plan to be shown at 2' contour intervals.. Mr. Rinehart seconded the motion. Mr. Roland voted no. The motion carried with a 4-1-0 vote.

Mr. Preston moved to recommend waiver from Section 428.9 of the Subdivision and Land Development Ordinance to allow 7 existing trees with a DBH of 25" or greater, located along the northwest side of Maack Road, to be removed, contingent that the subject trees be replaced at a 2:1 and trees with a 25" or greater DBH must be replaced at 4:1 ratio. Mr. Roland seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Roland moved to recommend waiver from Sections 428.9 and 428.9.B(1) of the Subdivision and Land Development Ordinance to allow disturbance or construction to occur within 10' of and up to the drip line for approximately 40 existing trees with the following conditions:

- The tree preservation and maintenance note, appearing as Note 23 on Sheet 3 of the Preliminary Plan last revised 1/25/07, shall be modified to reflect a 36-month maintenance period (as opposed to 18 months) beginning at the date of acceptance of dedication, and a requirement that the condition of existing trees be documented within 30 days prior to the start of construction.
- Each lot shall be deed restricted to allow the Township the right of entry to inspect tree conditions at the end of the 36-month tree maintenance period, and further allow damaged trees, as determined by the Township, to be replaced.
- The applicant shall post escrow as part of the dedication process, in an amount acceptable to the Township, to cover the cost of the tree inspection at the end of the 36-month tree maintenance period.
- Any trees lost shall be replaced at a 2:1 ratio for up to 25" DBH, and at a 4:1 ratio for trees over 25"DBH.
- The requirements of SALDO §428.9.B (4, 5, & 6) shall be added as notes to the Landscape Details sheet.
- Dollar amount for potential tree replacements be added to the improvements agreement.

Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

Project: Woodcrest Estates II

Applicant: The Nolen Group

Mr. Preston moved to deny the Woodcrest Estates II preliminary plan. Mrs. Miller seconded the motion. The motion carried with a 5-0-0 vote.

Project: Sprint Spectrum

Applicant: Sprint Spectrum

Mr. Roger Johnson, engineering representative, was present to discuss Sprint Spectrum.

There was a discussion regarding the Sprint Spectrum plan for the cell tower on the Faulk Tract in accordance with Township Engineer letter dated February 19, 2007.

Mr. Johnson noted that a pole in the floodplain may cause environmental issues. It was requested the pole be moved further away from Route 724. Mr. Preston stated you can build in the floodplain as long as the flow is not obstructed. The Board agreed to 100% instead of the required 120% of the antenna height as measured from the mean ground elevation but a variance would have to be applied for and the Board would send a recommendation to the Zoning Hearing Board. Mr. Rinehart polled the Board if they agreed that the property line issues with Township owned property was not a concern and Mrs. Miller agreed, Mr. Preston agreed, Mr. Rinehart, himself, agreed, Mr. Doering agreed and Mr. Roland agreed. All five members said 'yes'.

Mr. Johnson inquired what would happen if Sprint proposed lowering the pole height and the Township Solicitor noted a re-bid would be necessary.

The Board recessed into executive session at 9:28 p.m. to discuss sewer easements. The workshop meeting reconvened at 10:05 p.m.

5. OTHER BUSINESS

Sewer

Mr. Doering moved to award the East Cedarville Road/Earl Drive/Buckwalter Road Sanitary Sewer Extension project to N. Abbonizio Contractors, Inc. for the amount of \$4,136,465.00. Mr. Rinehart seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Rinehart moved to approve Change Order No. 1 to place Tisa Lane at the end of the sewer extension project with no change to the contract amount and to the contract time. Mr. Roland seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Doering moved to approve notice to proceed on or before March 21, 2007 with a substantial completion date of March 16, 2008. Mr. Rinehart seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Rinehart moved to approve Bursich Engineers to flag the Martin property for tree cutting. Mr. Roland seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Doering moved to approve Requisition No. 1 to reimburse the General Fund for the amount of \$22,969.39 for ARRO Consulting, Inc. invoices for work done on PennVest. Mr. Preston seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Doering moved to approve Requisition No. 2 to reimburse National Penn Bank for the amount of \$137,576.78 for loan reimbursement for cost incurred by EDM Consultants for the sewer design. Mr. Roland seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Roland moved to approve Requisition No. 3 to reimburse the General Fund for the amount of \$10,876.00 for O'Donnell, Weiss & Mattei invoices for work done on the sewer easements. Mrs. Miller seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Roland moved to approve Requisition No. 4 to reimburse the General Fund for the amount of \$3,740.82 for ARRO Consulting, Inc. invoices for work done on Phase II sewer project. Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Preston moved to approve resolutions for the condemnation of the Martin, Leuchak, Serbin, McLean and Heritage Building Group Creekview properties. Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

MS-4 Program

Mr. Roland moved to accept the Township Engineer proposal dated February 28, 2007 for MS-4 Program services in the amount of \$7,625 for calendar year 2007. Mr. Preston seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Rinehart stepped out of the meeting from 10:30 p.m. to 10:35 p.m. to sign documents.

6. DISCUSSION ITEMS

7. ADDITIONAL INFORMATION BROUGHT BEFORE THE BOARD

Mr. Rinehart moved to accept R. Keen and M. Clark, both men have PA CDL licenses and are on an 'on-call, as needed' snow plow drivers with the condition that if the expenses may exceed the \$1,500 budgeted the Board is notified prior to the excess spending. Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

The Board gave permission to the Public Works Department to utilize the township truck for testing by proposed snow plow truck drivers.

Mr. Preston moved to authorize signature of the Commerce Bank Capital Account signature cards for the East Coventry Township Sewer Accounts. Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Preston provided pump station record keeping forms for use by the township. Mr. Preston provided revised timesheets to be utilized.

Mr. Roland moved to utilize the timesheet submitted by Mr. Preston (for sewer employees). Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Preston noted concerns of multiple violation letters going out to property owners and inquired why one letter was not sent and followed up with citations.

Mr. Preston requested written response from The Township Manager for questions raised at the February 5, 2007 and February 26, 2007 Board meetings, specifically referring to the inquiry about the \$91,000 transfer.

Mr. Tim Cahill, of 230 Halteman Road, submitted a letter dated regarding concerns of water runoff as it relates to the Wineberry Estates development. There was a brief discussion regarding the basin in Blossom Meadows II. The Township Engineer is to advise of the status of such basin. Mr. Cahill's letter will be placed in the property file at the township office for future reference.

Mr. Doering noted the minute report that was submitted and also noted the Board is to review the letter and memorandums submitted by Lawrence and Nyla Gail Brown concerning 2006 wage raises and respond to Mr. Doering with comment regarding such letters and memorandums.

8. ADJOURNMENT

The Board recessed into executive session at 10:56 p.m. to discuss personnel. The workshop meeting reconvened at 11:40 p.m. No action was taken. The workshop meeting adjourned at 11:42 p.m.

Respectfully submitted,

John Doering, Jr.
Township Secretary